

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362  
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665  
Hon. David A. Faber

**DEFENDANTS' MOTION TO QUASH  
PLAINTIFFS' AMENDED CROSS-NOTICE OF REMOTE DEPOSITION  
AND NON-RETAINED EXPERT WITNESS DISCLOSURE OF  
DR. RAHUL GUPTA**

On September 3, 2021—weeks after closing arguments and the parties submitted proposed findings of fact and conclusions of law—Plaintiffs' counsel served a cross-notice of deposition for Dr. Rahul Gupta, as a non-retained expert, to take place on September 17. The Court should quash the cross-notice for these reasons:

1. The Amended Notice states that “it is directed to all Defendants Severed by MDL Dkt. 2990 (all Defendants other than ABDC, Cardinal Health, and McKesson).” But the MDL

Court did not remand the severed claims against those defendants to this Court. There is no case *in this Court* against the non-distributor defendants in which Plaintiffs can take discovery.

2. The only defendants subject to this Court's jurisdiction are ABDC, Cardinal Health, and McKesson. But the case against those defendants, as the Court well knows, has concluded. Discovery in this case closed nearly a year ago, and now the trial is concluded. There is no basis for Plaintiffs to take any deposition in this matter, and they have provided none.

Dated: September 14, 2021

Respectfully submitted,

**CARDINAL HEALTH, INC.**

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on this 14th day of September 2021, the foregoing “Defendants’ Motion to Quash Plaintiffs’ Amended Cross-Notice of Remote Deposition and Non-Retained Expert Witness Disclosure of Dr. Rahul Gupta” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Steven R. Ruby  
Steven R. Ruby (WVSB No. 10752)